

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BETHANY DITZLER,	:	
Plaintiff	:	CIVIL ACTION NO. 1:21-cv-01852-CCC
	:	
v.	:	
	:	
PINNACLEHEALTH OBSTETRICS	:	The Honorable Christopher C. Conner
AND GYNECOLOGY SPECIALISTS,	:	
PINNACLEHEALTH MEDICAL	:	
SERVICES, UPMC PINNACLE	:	<i>Electronically Filed</i>
HOSPITALS, UPMC PINNACLE,	:	
HANFORD NDLOVU, BEVERLY A.	:	
HALL NDLOVU and LEE BLECHER,	:	
Defendants	:	JURY TRIAL DEMANDED

**MOTION OF DEFENDANTS HANFORD NDLOVU, M.D. AND
BEVERLY A. HALL-NDLOVU, M.D. FOR CONTINUANCE OF
JANUARY 6, 2022, CASE MANAGEMENT CONFERENCE**

AND NOW, come Defendants Hanford Ndlovu, M.D. and Beverly A. Hall-Ndlovu, M.D., by and through their counsel, Marshall Dennehey Warner Coleman & Goggin, who file this Motion for Continuance of the January 6, 2022 Case Management Conference by respectfully stating the following:

1. Plaintiff commenced this medical professional action via Complaint along with supporting Certificates of Merit on August 10, 2021, in the United States District Court for the Eastern District of Pennsylvania. (*See Doc. 1*)
2. On October 19, 2021, counsel for Plaintiff and counsel for Defendants PinnacleHealth Obstetrics and Gynecology Specialists; UPMC Pinnacle Harrisburg;

Harrisburg Hospital; PinnacleHealth Medical Services; PinnacleHealth; PinnacleHealth Hospitals, Inc.; PinnacleHealth Harrisburg Hospital; and Lee Blecher, M.D. filed a Stipulation to correct the name of the corporate entities in the caption and Complaint. (*See* Doc. 5)

3. On October 19, 2021, counsel for Plaintiff also filed a Stipulation to have this case transferred from the United States District Court for the Eastern District of Pennsylvania to the United States District Court for the Middle District of Pennsylvania. (*See* Doc. 6)

4. On October 25, 2021, the Honorable Wendy Beetlestone of the United States District Court for the Eastern District approved the Stipulation of Counsel seeking the transfer of this matter to the United States District Court for the Middle District of Pennsylvania. (*See* Doc. 7)

5. On November 1, 2021, the case was electronically transferred to the United States District Court for the Eastern District of Pennsylvania. (Doc. 8)

6. On November 2, 2021, the Honorable Christopher C. Conner approved the Stipulation of the parties to correct the name of the corporate entities in the caption and Complaint. (*See* Doc. 9)

7. On November 22, 2021, counsel for Plaintiff and counsel for Defendants, PinnacleHealth Obstetrics and Gynecology Specialists, PinnacleHealth Medical Services, UPMC Pinnacle Hospitals, UPMC Pinnacle, and Lee Blecher,

M.D. stipulated and requested that the caption again be amended to re-insert PinnacleHealth Medical Services because PinnacleHealth Medical Services had been inadvertently omitted from the proposed caption set forth in the Stipulation filed at Doc. 5. (*See* Doc. 11)

8. The Court approved that Stipulation to further amend the caption that same day. (*See* Doc. 12)

9. On November 22, 2021, Defendants, PinnacleHealth Obstetrics and Gynecology Specialists, PinnacleHealth Medical Services, UPMC Pinnacle Health Hospital, UPMC Pinnacle, and Lee Blecher, M.D. filed an Answer to Plaintiff's Complaint. (Doc. 12).

10. On November 29, 2021, the Court issued an Order scheduling a Case Management Conference for **January 6, 2021, at 3:00 p.m.** (*See* Doc. 14).

11. Attorneys Andrew Foulkrod and Eric Lauerman of Cipriani and Werner filed an Answer to Plaintiff's Complaint on behalf of Defendants Hanford Ndlovu, M.D. and Beverly Hall-Ndlovu, M.D. on November 29, 2021. (Doc. 15)

SECTION 715 RE-ASSIGNMENT OF COUNSEL BY THE MCARE FUND

12. Because the case was filed more than four (4) years after the alleged tort, the Pennsylvania MCARE Fund re-assigned the defense of Defendants Hanford Ndlovu, M.D. and Beverly Hall-Ndlovu, M.D. to Michael Mongiello, Esquire of Marshall Dennehey Warner Coleman and Goggin and re-assigned representation of

various corporate entities to Thomas Chairs, Esquire of Gordon & Rees in mid-December of 2021. *See* 40 P.S. § 1303.715.

13. Attorney Chairs entered his appearance for various corporate entities on December 10, 2021. (*See* Doc. 16)

14. Attorney Mongiello entered his appearance for Drs. Ndlovu and Hall-Ndlovu on December 17, 2021. (*See* Doc. 17)

15. On December 27, 2021, the Court moved the time of the January 6, 2021 Case Management Conference from 3:00 p.m. to 1:30 p.m. on that date. (*See* Doc. 18)

16. Due to a pre-existing conflict with January 6, 2021, and because the law firm of Marshall Dennehey Warner Coleman and Goggin was only recently assigned to represent Drs. Ndlovu and Hall-Ndlovu through the Section 715 assignment, Defendants Ndlovu and Hall-Ndlovu respectfully move the Court for a continuance of the January 6, 2022, Case Management Conference.¹

17. Counsel for Moving Defendants certifies that he has sought concurrence from each party's current counsel who confirmed they do not oppose this request. *See* Local Rule 7.01.

¹ Upon Defendants' current information and belief, the MCARE Fund has assigned new Section 715 counsel to represent Co-Defendant Lee Blecher, M.D. who will shortly be entering his appearance.

WHEREFORE, Defendants Hanford Ndlovu, M.D. and Beverly A. Hall-Ndlovu, M.D. respectfully request that their Motion for Continuance of the January 6, 2022 Case Management Conference be granted.

Respectfully Submitted,

MARSHALL, DENNEHEY, WARNER
COLEMAN & GOGGIN

By: _____


Michael C. Mongiello, Esquire
PA I.D. No. 87532
100 Corporate Center Drive, Suite 201
Camp Hill, PA 17011
Telephone: (717) 651-3704
mcmongiello@mdwcg.com
Attorney for Hanford Ndlovu, M.D. and
Beverly A. Hall Ndlovu, M.D.

Date: December 27, 2021

LEGAL/143227636.v1

CERTIFICATE OF SERVICE

The undersigned hereby certifies that I am this 27th day of December, 2021, serving a true and correct copy of the foregoing *Motion for Continuance* upon all known current counsel and parties of record via ECF notification, which service satisfies the requirements of the Federal Rules of Civil Procedure:

Thomas F. Sacchetta, Esquire
Sacchetta & Baldino
308 East Second Street
Media, PA 19063
tom@sbattorney.com
Attorney for Plaintiff

Andrew H. Foulkrod, Esquire
Eric W. Lauerman, Esquire
Cipriani & Werner
1011 Mumma Road, Suite 201
Lemoyne, PA 17043-1145
afoulkrod@c-wlaw.com
elauerman@c-wlaw.com
*Attorneys for Hanford Ndlovu, M.D.
and Beverly A. Hall-Ndlovu, M.D.*

Peter J. Faben, Esquire
Barley Snyder
126 East King Street
Lancaster, PA 17602
pfaben@gbarley.com
*Attorney for PinnacleHealth Obstetrics
and Gynecology Specialists, Pinnacle
Health Medical Services, UPMC Pinnacle
Hospitals, and/or Lee Bleecher, M.D.*

Thomas M. Chairs, Esquire
Gordon & Rees, LLP
111 North Front Street, Suite 100
Harrisburg, PA 17101
tchairs@grsm.com
*Attorney for PinnacleHealth Obstetrics
and Gynecology Specialists, Pinnacle
Health Medical Services, UPMC Pinnacle
Hospitals, and/or Lee Bleecher, M.D.*

MARSHALL, DENNEHEY, WARNER
COLEMAN & GOGGIN

BY: 
Marcy L. Brymesser